

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
NAFTELA DEUTSCH,	:	
	:	
Plaintiff,	:	
	:	21-cv-84 (JSR)
-v-	:	
	:	<u>ORDER</u>
PRESSLER, FELT & WARSHAW, LLP &	:	
LVNV FUNDING, LLC,	:	
	:	
Defendants.	:	
	:	
-----X	:	

JED S. RAKOFF, U.S.D.J.

Pursuant to this Court's Individual Rules, counsel jointly telephoned the Court with two applications, one from each side. First, defendants seek leave to file a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) and a motion to compel arbitration. Defendants plan to argue, among other things, that plaintiff signed a release and an arbitration agreement, each of which precludes recovery in this action. Defendants' application for leave to file these motions is granted, and the parties' proposed briefing schedule is approved, to wit: moving papers are due March 2, 2021; answering papers are due March 23, 2021; and a reply brief may be filed by March 30, 2021. No oral argument is scheduled at this time; if the Court would like to hold oral argument, it will let the parties know.

The second application, brought by plaintiff, is responsive to the first. Plaintiff's counsel requests that the Court order

the defendants to produce the alleged release and the alleged arbitration agreement, since such production may obviate the need for briefing. That application is granted. Defendant LVNV Funding, LLC is hereby ordered to produce the alleged release and the alleged arbitration agreement both to plaintiff and to co-defendant Pressler, Felt & Warshaw, LLP within two business days. Plaintiff's counsel may show these documents to plaintiff. Otherwise, the documents are "attorneys' eyes only" and may not be further distributed by any party or its counsel, except insofar as (1) that party or attorney possessed the pertinent document independent of its production in this case and (2) the agreement by its terms permitted such further distribution by that party or attorney.

SO ORDERED.

Dated: New York, NY
February 22, 2021


United States District Judge